

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

NAHRO TAHSEEN JAF,)
Plaintiff,)
v.) NO. 1:07-0098
UNITED STATES OF AMERICA,) Judge Echols/Bryant
Defendant.)

TO: The Honorable Robert L. Echols

REPORT AND RECOMMENDATION

Pending before the Court is the Government's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(h)(3) on the grounds that plaintiff's application for naturalization has now been processed and approved, and, therefore, that plaintiff's complaint has been rendered moot. (Docket Entry No. 8).

This motion has been referred to the undersigned Magistrate Judge for report and recommendation. (Docket Entry No. 3).

After plaintiff failed to respond to the Government's motion to dismiss, the undersigned Magistrate Judge issued an order requiring the plaintiff to show cause on or before April 18, 2008, why the Government's motion to dismiss should not be granted. (Docket Entry No. 9). In response, plaintiff has filed his motion to dismiss (Docket Entry No. 12), in which plaintiff states that he "agrees with the defendant United States of America's motion to dismiss." From the foregoing, it appears to the undersigned Magistrate Judge that plaintiff does not oppose the Government's

motion to dismiss, and, therefore, that the motion to dismiss should be granted.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that the Government's motion to dismiss should be **GRANTED**, and that the complaint be **DISMISSED** with prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'q denied, 474 U.S. 1111 (1986).

ENTERED this 16th day of April 2008.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge